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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			LE, MICHAEL	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/027,194	<b>Applicant(s)</b> KII ET AL.
	<b>Examiner</b> MICHAEL LE	<b>Art Unit</b> 2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 15 December 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1,2,4-9 and 26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4-9 and 26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-166/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Summary and Status of Claims*

1. This Office Action is in response to Applicant's reply filed December 15, 2008.
2. Claim 3 is cancelled.
3. Claims 1, 2, 4-9, and 26 are pending.
4. Claims 1, 2, 4-9, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collart et al. (US Patent 6,405, 203) of record, in view of Akiyama et al. (US Patent 5,805,699).
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Allowable Subject Matter*

6. The indication of allowable subject matter in cancelled claim 3 is withdrawn in view of the newly discovered reference to Akiyama et al. (US Patent 5,805,699). Rejections based on the newly cited reference follow.

### *Claim Rejections - 35 USC § 103*

7. **Claims 1, 2, 4-9, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collart et al. (US Patent 6,405,203) (Collart) of record, in view of Akiyama et al. (US Patent 5,805,699) (Akiyama).**
8. In regards to **claim 1**, Collart discloses a service offering system from a server to a terminal device (Collart at fig. 5, elements 550 (server) and 510 (client)), comprising:

- a. recording means for recording a unique identifier to each of a plurality of package storage media issued (Collart at col. 5, lines 65-7; col. 6, lines 1-10)<sup>1</sup>;
- b. a database for storing and managing the identifiers (Collart at col. 7, lines 6-8);
- c. reading means for reading the recorded identifier from any of the package storage media at the terminal device (Collart at col. 14, lines 1-4);
- d. checking means for checking the identifier read by the reading means against the identifiers managed in the database (Collart at col. 14, lines 6-9); and
- e. service offering means for offering a service to the terminal device corresponding to the package storage medium identified by the checked identifier depending on a result of the check by the checking means. Collart at col. 14, lines 39-50.

9. Collart does not expressly disclose wherein the recording means records to the storage media right information which denotes services available to the storage media identified by the identifiers together with the identifiers.

10. Akiyama discloses storing software identifiers (i.e., rights information) associated with the storage medium identifier on the medium. Upon using the medium, the software identifiers and medium identifier is sent to a central site to be verified against a database. Akiyama at col. 4, lines 43-67; col. 5, lines 1-28.

11. Collart and Akiyama are analogous art because they are both directed toward the same field of endeavor of electronic storage media.

12. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Collart by adding the feature of recording to the storage media right

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<sup>1</sup> Burst Cut Area (BCA) is interpreted as the unique identifier.

information which denotes services available to the storage media identified by the identifiers together with the identifiers, as taught by Akiyama.

13. The motivation for doing so would have been because it allows for greater control over the data that is stored on the discs and the rights the consumer has to the data.

14. In regards to **claim 2**, Collart in view of Akiyama discloses the service offering system according to claim 1, wherein the database stores, in correspondence with the identifiers, the right information. Collart at col. 14, lines 18-24, 46-50; col. 19, lines 28-40, 60-7<sup>2</sup>.

15. In regards to **claim 4**, Collart in view of Akiyama discloses the service offering system according to claim 1, wherein the service offering means offers the service to the storage medium in accordance with the right information. Collart at col. 14, lines 18-24, 46-50; col. 19, lines 28-40, 60-7.

16. In regards to **claim 5**, Collart in view of Akiyama discloses the service offering system according to claim 1, further comprising content data storage means for storing a plurality of content data items (Collart at col. 19, lines 30-9); wherein the service offering means allows relevant content data to be downloaded from the content data storing means to the storage medium. Collart at col. 22, lines 13-5.

17. In regards to **claim 6**, Collart in view of Akiyama discloses the service offering system according to claim 1, wherein the service offering means allows relevant content data to be updated from the storage medium. Collart at col. 20, lines 66-7; col. 21, lines 1-4<sup>3</sup>.

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<sup>2</sup> The cited portions describe indications that the BCA number (i.e., unique identifier) read at the client is looked up in the database of the server. Upon doing so, the server determines what content or services can be distributed to the user based on the BCA number. Therefore, it seems implicit that the information corresponding the BCA number to the content or services (i.e., right information) is also stored in the database.

18. In regards to **claim 7**, Collart discloses a service offering system from a server to a terminal device (Collart at fig. 5, elements 550 (server) and 510 (client)), comprising:

- a. storage medium issuing means comprising recording means for recording a unique identifier to each of a plurality of package storage media issued (Collart at col. 5, lines 65-7; col. 6, lines 1-10)<sup>4</sup>;
- b. a management server comprising a database for storing and managing the identifiers recorded to the package storage media (Collart at col. 7, lines 6-8);
- c. the terminal device comprising reading means for reading the recorded identifier from any of the package storage media (Collart at col. 14, lines 1-4);
- d. checking means for checking the identifier read by the terminal device against the identifiers managed in the database (Collart at col. 14, lines 6-9); and
- e. a service provider comprising service offering means for offering a service to the terminal device corresponding to the package storage media depending on a result of the check by the checking means. Collart at col. 14, lines 39-50.

19. Collart does not expressly disclose wherein the recording means records to the storage media right information which denotes services available to the storage media identified by the identifiers together with the identifiers.

20. Akiyama discloses storing software identifiers (i.e., rights information) associated with the storage medium identifier on the medium. Upon using the medium, the software identifiers and medium identifier is sent to a central site to be verified against a database. Akiyama at col. 4, lines 43-67; col. 5, lines 1-28.

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<sup>3</sup> Data from the DVD is taken and sent to the server to be logged into the database (i.e., update from the storage

21. Collart and Akiyama are analogous art because they are both directed toward the same field of endeavor of electronic storage media.
22. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Collart by adding the feature of recording to the storage media right information which denotes services available to the storage media identified by the identifiers together with the identifiers, as taught by Akiyama.
23. The motivation for doing so would have been because it allows for greater control over the data that is stored on the discs and the rights the consumer has to the data.
24. In regards to **claim 8**, Collart discloses a service offering system from a server to a terminal device (Collart at fig. 5, elements 550 (server) and 510 (client)), comprising:
  - a. storage medium issuing means comprising recording means for recording a unique identifier to each of a plurality of package storage media issued (Collart at col. 5, lines 65-7; col. 6, lines 1-10)<sup>5</sup>;
  - b. the server comprising a database which stores the identifiers (Collart at col. 7, lines 6-8) and retains, in correspondence with the identifiers, right information which denotes services available to the package storage media identified by the identifiers (Collart at col. 14, lines 18-24, 46-50; col. 19, lines 28-40, 60-7)<sup>6</sup>;

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medium).

<sup>4</sup> Burst Cut Area (BCA) is interpreted as the unique identifier.

<sup>5</sup> Burst Cut Area (BCA) is interpreted as the unique identifier.

<sup>6</sup> The cited portions describe indications that the BCA number (i.e., unique identifier) read at the client is looked up in the database of the server. Upon doing so, the server determines what content or services can be distributed to the user based on the BCA number. Therefore, it seems implicit that the information corresponding the BCA number to the content or services (i.e., right information) is also stored in the database.

- c. the terminal device comprising reading means for reading the recorded identifiers from any of said package storage media (Collart at col. 14, lines 1-4); and
- d. a service provider comprising service offering means for offering a service to the terminal device corresponding to the package storage media depending on a result of checking the identifier in question against the identifiers managed in the database and according to the right information stored in the database in correspondence with the checked identifier. Collart at col. 14, lines 39-50.

25. Collart does not expressly disclose wherein the recording means records to the storage media right information.

26. Akiyama discloses storing software identifiers (i.e., rights information) associated with the storage medium identifier on the medium. Upon using the medium, the software identifiers and medium identifier is sent to a central site to be verified against a database. Akiyama at col. 4, lines 43-67; col. 5, lines 1-28.

27. Collart and Akiyama are analogous art because they are both directed toward the same field of endeavor of electronic storage media.

28. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Collart by adding the feature of recording to the storage media right information, as taught by Akiyama.

29. The motivation for doing so would have been because it allows for greater control over the data that is stored on the discs and the rights the consumer has to the data.

30. In regards to **claim 9**, Collart discloses a service offering system according to claim 8, wherein the service provider comprises content data storing means for storing a plurality of content data items (Collart at col. 19, lines 30-9);

- a. wherein the service offering means comprises judging means for judging whether or not the corresponding right information indicates permission to download (Collart at col. 22, lines 10-5)<sup>7</sup>, the service offering means further reading relevant content data from the content data storing means and transferring the content data to the terminal device in accordance with the judgment made by the judging means (Collart at col. 22, lines 15-23)<sup>8</sup>; and
- b. wherein the terminal device receives the transferred content data and records the received data to the storage medium. Collart at col. 22, lines 13-5.

31. In regards to **claim 26**, Collart discloses a service offering method for offering a service form a server to a terminal device (Collart at fig. 5, elements 550 (server) and 510 (client)), the method comprising the steps of:

- a. recording a unique identifier to each of a plurality of package storage media issued (Collart at col. 5, lines 65-7; col. 6, lines 1-10)<sup>9</sup>;
- b. storing the identifiers into a database (Collart at col. 7, lines 6-8);

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<sup>7</sup> The BCA number is used to look up the retailer, which in turn is used to look up available downloads. This "lookup" is interpreted as a judging means because if there is no match for the BCA number, then the user does not have permission to download.

<sup>8</sup> If the lookup of the BCA is successful, the download information is sent to the user (i.e., transferring content data to said terminal device in accordance with the judgment).

<sup>9</sup> Burst Cut Area (BCA) is interpreted as the unique identifier.

- c. reading the recorded identifier form any of the package storage media at the terminal device (Collart at col. 7, lines 47-52; col. 14, lines 1-4);
- d. checking the identifier read from the package storage medium against the identifiers stored in the database (Collart at col. 14, lines 6-8); and
- e. offering a service to the terminal device corresponding to the package storage medium. Collart at col. 14, lines 39-50<sup>10</sup>.

32. Collart does not expressly disclose recording to the storage media right information which denotes services available to the storage media identified by the identifiers together with the identifiers.

33. Akiyama discloses storing software identifiers (i.e., rights information) associated with the storage medium identifier on the medium. Upon using the medium, the software identifiers and medium identifier is sent to a central site to be verified against a database. Akiyama at col. 4, lines 43-67; col. 5, lines 1-28.

34. Collart and Akiyama are analogous art because they are both directed toward the same field of endeavor of electronic storage media.

35. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Collart by adding the feature of recording to the storage media right information which denotes services available to the storage media identified by the identifiers together with the identifiers, as taught by Akiyama.

36. The motivation for doing so would have been because it allows for greater control over the data that is stored on the discs and the rights the consumer has to the data.

***Response to Arguments***

**Rejection of claims 1, 2, 4-9, and 26 under 35 U.S.C. 102(e)**

37. Applicant presents no arguments with respect to these claims and the rejections under 102(e). Applicant simply discusses the incorporation of claim 3 (now cancelled) into each of the independent claims. Since no arguments were presented, nothing will be addressed here. However, due to the amendment and discovery of a new reference, the rejection of claims 1, 2, 4-9, and 26 under 35 U.S.C. 102(e) is withdrawn and new grounds of rejection are set forth above.

***Conclusion***

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Le whose telephone number is 571-272-7970. The examiner can normally be reached on Mon-Thurs : 9:30am-6pm, Fri: 8am-4:30pm.

39. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

40. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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<sup>10</sup> The web server acts upon the posted information (the BCA number) and sends a unique URL to the user (i.e.,

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Le/  
Examiner, Art Unit 2163

/Hung T Vy/  
Primary Examiner, Art Unit 2163